

Application No. 10/562,814

REMARKS

Claims 66-132 are pending and subject to the Restriction Requirement of April 24, 2006. Claims as of the November 4 2005 Amendment are reproduced herein.

The Examiner is requested to enter the preliminary amendment and substituted specification submitted to the Patent Office on April 18, 2006. As per MPEP 714.01(e), entry of the preliminary amendment is required under 37 C.F.R. §1.115, which provides that preliminary amendments will be entered unless they unduly interfere with preparation of a first office action under 37 C.F.R. §1.104, i.e., an Office Action on the merits.

It is believed that the scheme of the present Restriction Requirement could be applied to the claims of the Preliminary Amendment of April 18, 2006, with the Groups being:

Group I: a plurality of particles comprising a bioactive component and a cell recognition component, claims 133-134;

Group II: a plurality of particles comprising a surfactant associated with a bioactive component, and a polymer and/or cell recognition component, claims 66-95, 97-102, 112-113, and 115; and

Group III: a method of delivering a bioactive component to target cells, claims 103-109, 111, 114, 116, 118-119, 122-124, 126-127.

Note that the Preliminary Amendment cancels claims 96, 110, 117, 120-121, 125, and 128-132, and adds new claims 133-134.

Upon entry of the Preliminary Amendment of April 18, 2006, Applicant provisionally selects Group II having claims 66-95, 97-102, 112-113, and 115. Applicant provisionally makes a species election of "tenascin" from claim 84.

Rejoinder of Group III, with claims 103-109, 111, 114, 116, 118-119, 122-124, 126-127 is requested upon allowance of product claims in Group II, as per MPEP §821.04.

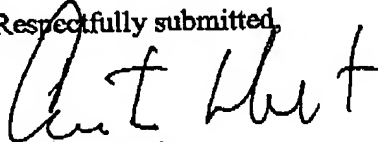
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The Examiner is requested to enter the Preliminary Amendment of April 18, 2006 and to join the proposed Groups I and II together prior to making a first examination on the merits. Applicant has provisionally elected "tenascin" as the first species to be examined, and there would not be an undue burden to search proposed Group I because proposed Group I has two claims, one of which is directed to tenascin (claim 133) and the other of which is directed to the tenascin receptor (claim 134). Moreover, claim 133 is generic to those species of Group II having tenascin as the biocompatible polymer of claim 66.

Applicant respectfully traverses the separation of Groups I and II with respect to the claims presently in the case (in part A of this Response). Both Groups are drawn to particles having an average diameter of less than about 50 nanometers having a bioactive component, a field of art that is not unduly broad for searching purposes.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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